

§ 121.659

than 1,000 feet from any mountain, hill, or other obstruction to flight.

(c) *Night VFR, IFR, and over-the-top operations.* No person may operate an aircraft under IFR including over-the-top or at night under VFR at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course, or, in designated mountainous areas, less than 2,000 feet above the highest obstacle within a horizontal distance of five miles from the center of the intended course.

(d) *Day over-the-top operations below minimum en route altitudes.* A person may conduct day over-the-top operations in an airplane at flight altitudes lower than the minimum en route IFR altitudes if—

(1) The operation is conducted at least 1,000 feet above the top of lower broken or overcast cloud cover;

(2) The top of the lower cloud cover is generally uniform and level;

(3) Flight visibility is at least five miles; and

(4) The base of any higher broken or overcast cloud cover is generally uniform and level and is at least 1,000 feet above the minimum en route IFR altitude for that route segment.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964, as amended by Amdt. 121-144, 43 FR 22649, May 25, 1978; Amdt. 121-206, 54 FR 34331, Aug. 18, 1989; Amdt. 121-253, 61 FR 2615, Jan. 26, 1996]

§ 121.659 Initial approach altitude: Domestic and supplemental operations.

(a) Except as provided in paragraph (b) of this section, when making an initial approach to a radio navigation facility under IFR, no person may descend an aircraft below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

(b) When making an initial approach on a flight being conducted under § 121.657(d), no pilot may commence an instrument approach until his arrival over the radio facility has definitely been established. In making an instrument approach under these circumstances no person may descend an aircraft lower than 1,000 feet above the

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top of the lower cloud or the minimum altitude determined by the Administrator for that part of the IFR approach, whichever is lower.

§ 121.661 Initial approach altitude: Flag operations.

When making an initial approach to a radio navigation facility under IFR, no person may descend below the pertinent minimum altitude for initial approach (as specified in the instrument approach procedure for that facility) until his arrival over that facility has been definitely established.

§ 121.663 Responsibility for dispatch release: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall prepare a dispatch release for each flight between specified points, based on information furnished by an authorized aircraft dispatcher. The pilot in command and an authorized aircraft dispatcher shall sign the release only if they both believe that the flight can be made with safety. The aircraft dispatcher may delegate authority to sign a release for a particular flight, but he may not delegate his authority to dispatch.

[Doc. No. 28154, 61 FR 2615, Jan. 26, 1996]

§ 121.665 Load manifest.

Each certificate holder is responsible for the preparation and accuracy of a load manifest form before each takeoff. The form must be prepared and signed for each flight by employees of the certificate holder who have the duty of supervising the loading of aircraft and preparing the load manifest forms or by other qualified persons authorized by the certificate holder.

§ 121.667 Flight plan: VFR and IFR: Supplemental operations.

(a) No person may take off an aircraft unless the pilot in command has filed a flight plan, containing the appropriate information required by part 91, with the nearest FAA communication station or appropriate military station or, when operating outside the United States, with other appropriate authority. However, if communications facilities are not readily available, the

pilot in command shall file the flight plan as soon as practicable after the aircraft is airborne. A flight plan must continue in effect for all parts of the flight.

(b) When flights are operated into military airports, the arrival or completion notice required by §§ 91.153 and 91.169 may be filed with the appropriate airport control tower or aeronautical communication facility used for that airport.

[Doc. No. 6258, 29 FR 19222, Dec. 31, 1964 as amended by Amdt. 121-206, 54 FR 34331, Aug. 18, 1989]

Subpart V—Records and Reports

SOURCE: Docket No. 6258, 29 FR 19226, Dec. 31, 1964, unless otherwise noted.

§ 121.681 Applicability.

This subpart prescribes requirements for the preparation and maintenance of records and reports for all certificate holders.

§ 121.683 Crewmember and dispatcher record.

(a) Each certificate holder shall—

(1) Maintain current records of each crewmember and each aircraft dispatcher (domestic and flag operations only) that show whether the crewmember or aircraft dispatcher complies with the applicable sections of this chapter, including, but not limited to, proficiency and route checks, airplane and route qualifications, training, any required physical examinations, flight, duty, and rest time records; and

(2) Record each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember or aircraft dispatcher (domestic and flag operations only) and keep the record for at least six months thereafter.

(b) Each certificate holder conducting supplemental operations shall maintain the records required by paragraph (a) of this section at its principal base of operations, or at another location used by it and approved by the Administrator.

(c) Computer record systems approved by the Administrator may be

used in complying with the requirements of paragraph (a) of this section.

[Doc. No. 6258, 29 FR 19226, Dec. 31, 1964, as amended by Amdt. 121-144, 43 FR 22649, May 25, 1978; Amdt. 121-241, 59 FR 42993, Aug. 19, 1994; Amdt. 121-253, 61 FR 2615, Jan. 26, 1996]

§ 121.685 Aircraft record: Domestic and flag operations.

Each certificate holder conducting domestic or flag operations shall maintain a current list of each aircraft that it operates in scheduled air transportation and shall send a copy of the record and each change to the certificate-holding district office. Airplanes of another certificate holder operated under an interchange agreement may be incorporated by reference.

[Doc. No. 28154, 61 FR 2615, Jan. 26, 1996]

§ 121.687 Dispatch release: Flag and domestic operations.

(a) The dispatch release may be in any form but must contain at least the following information concerning each flight:

(1) Identification number of the aircraft.

(2) Trip number.

(3) Departure airport, intermediate stops, destination airports, and alternate airports.

(4) A statement of the type of operation (e.g., IFR, VFR).

(5) Minimum fuel supply.

(6) For each flight dispatched as an ETOPS flight, the ETOPS diversion time for which the flight is dispatched.

(b) The dispatch release must contain, or have attached to it, weather reports, available weather forecasts, or a combination thereof, for the destination airport, intermediate stops, and alternate airports, that are the latest available at the time the release is signed by the pilot in command and dispatcher. It may include any additional available weather reports or forecasts that the pilot in command or the aircraft dispatcher considers necessary or desirable.

[Docket No. 6258, 29 FR 19226, Dec. 31, 1964, as amended by Amdt. 121-329, 72 FR 1883, Jan. 16, 2007]